UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

Jason Gordon, : Civil Action No.: 5:19-cy-725

Plaintiff,

v.

follows:

Nationwide Recovery Systems, : COMPLAINT

Defendant.

For this Complaint, the Plaintiff, Jason Gordon, by undersigned counsel, states as

JURISDICTION

- 1. This action arises out of the Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of the Plaintiff's personal privacy by the Defendant in their illegal efforts to collect a consumer debt.
 - 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
- 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

- 4. The Plaintiff, Jason Gordon ("Plaintiff"), is an adult individual residing in New Braunfels, Texas, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
- 5. The Defendant, Nationwide Recovery Systems ("Nationwide"), is a Texas business entity with an address of 501 Shelley Drive, suite 300, Tyler, Texas 75701, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

- 6. A financial obligation (the "Debt") was allegedly incurred to an original creditor (the "Creditor").
- 7. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. § 1692a(5).
- 8. The Debt was purchased, assigned or transferred to Nationwide for collection, or Nationwide was employed by the Creditor to collect the Debt.
- 9. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. § 1692a(2).

B. Nationwide Engages in Harassment and Abusive Tactics

- 10. On or around March 18, 2019, Nationwide began calling Plaintiff in an attempt to collect the Debt from Plaintiff's ex-wife (the "Debtor").
- 11. Plaintiff informed Nationwide that they had been split up and the Debtor was unreachable at his telephone number. As such, Nationalwide assured Plaintiff that Nationwide would no longer call Plaintiff.
- 12. Nevertheless, Nationwide continued calling Plaintiff, causing a significant amount of frustration, confusion and anxiety.

C. <u>Plaintiff Suffered Actual Damages</u>

13. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant's unlawful conduct.

14. As a direct consequence of the Defendant's acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

COUNT I

VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

- 15. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 16. The Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- 17. The Defendant's conduct violated 15 U.S.C. § 1692d(5) in that Defendant caused a phone to ring repeatedly and engaged the Plaintiff in telephone conversations, with the intent to annoy and harass.
- 18. The Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect a debt.
- 19. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.
 - 20. The Plaintiff is entitled to damages as a result of Defendant's violations.

COUNT II

VIOLATIONS OF THE TEXAS DEBT COLLECTION ACT TEX. FIN. CODE ANN. § 392, et al.

- 21. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
 - 22. The Plaintiff is a "consumer" as defined by Tex. Fin. Code Ann. § 392.001(1).

- 23. The Defendant is a "debt collector" and a "third party debt collector" as defined by Tex. Fin. Code Ann. § 392.001(6) and (7).
- 24. The Defendant caused a telephone to ring repeatedly, with the intent to annoy or abuse the Plaintiff, in violation of Tex. Fin. Code Ann. § 392.302(4).
- 25. The Plaintiff is entitled to injunctive relief and actual damages pursuant to Tex. Fin. Code Ann. § 392.403(a)(1) and (2) and to remedies under Tex. Bus. & Comm. Code § 17.62 pursuant to Tex. Fin. Code Ann. § 392.404(a).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendant:

- 1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendant;
- 2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against the Defendant;
- 3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.§ 1692k(a)(3) against the Defendant;
- 4. Injunctive relief pursuant to Tex. Fin. Code Ann. § 392.403(a)(1);
- 5. Actual damages pursuant to Tex. Fin. Code Ann. § 392.403(a)(2);
- 6. Remedies under Tex. Bus. & Comm. Code § 17.62 pursuant to Tex. Fin. Code Ann. § 392.404(a);
- 7. Actual damages from the Defendant for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless, and/or negligent invasions of privacy in an amount to be determined at trial for the Plaintiff;
- 8. Punitive damages; and

9. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: June 20, 2019

Respectfully submitted,

By: __/s/ Sergei Lemberg_

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